

## **REMARKS**

Rejections under 35 USC §102

Claims 6-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Truitt et al (U.S. Patent 5,762,805). The Office Action states that Truitt shows

a controller 102 connected to receive a pressure signal from said sensor 83 and to control a rate of flow of said pump 52 ... to maintain a constant pressure in said arterial blood line by regulating a speed of said pump in response to said pressure signal.

The office action cites the specification at Col. 3, line 59 — Col. 4, line 27, lines 32-44, Col. 5, lines 47-61, Col. 6, lines 12-15, 43-60. Truitt fails to show the recited features of claim 6 at the cited portions of the specification nor anywhere else therein. In particular, Truitt fails to show:

a sensor configured to sense pressure in said non-blood side of said filter, and a controller ... to maintain a constant pressure in said arterial blood line by regulating a speed of [an arterial] pump in response to said pressure signal

The pressure sensor 83 supplies a pressure signal indicating the pressure of the dialyzer secondary (non-blood) pressure to a controller. The pressure signal 83 is indicated to be used for monitoring the filter and the circuits, but is nowhere shown to be used as required by the quoted claim portion. New claim 9 includes the recitation, “a controller with a sensor to detect pressure on the filter non-blood side and to vary a rate of flow of the pump such that a constant predefined pressure is maintained in the arterial blood line,” which defines a limitation that is also not shown by Truitt.

Regarding the response of the Examiner to Applicants’ arguments, the Examiner has made a connection between the sensor 83 and the regulation of pump 52 speed. The specification only describes regulating pump speed in connection with the signal of sensor 51. The function recited in the claims are simply not shown in the reference at all. The reference

does not say that the pump's speed is regulated to maintain constant pressure in response to sensor 83.

## **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this Application and the prompt allowance of the pending claims.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



---

Mark A. Catan  
Attorney for Applicant  
Registration No.: 38,720

Date: August 16, 2007  
Patent Administrator  
**Proskauer Rose LLP**  
1001 Pennsylvania Avenue, NW  
Suite 400  
Washington, DC 20004  
Telephone: 202.416.6800  
Facsimile: 202.416.6899

Customer No. 61263